

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

STANDING HEARING OFFICER DIRECTIVE

DOCKET NO. 2018-3-E ORDER NO. 2018-92-H

JULY 17, 2018

Standing Hearing Officer: David Butler

DOCKET DESCRIPTION:

Annual Review of Base Rates for Fuel Costs of Duke Energy Carolinas, LLC

MATTER UNDER CONSIDERATION:

Protective Order Regarding Discovery to be Produced by Duke Energy Carolinas, LLC

STANDING HEARING OFFICER'S ACTION:

On June 29, 2018, South Carolina Solar Business Alliance, Inc. (SBA), a party properly admitted as an intervenor in Docket No. 2018-3-E, served its First Request for Production and its First Set of Interrogatories on Duke Energy Carolinas, LLC (DEC). On July 11, 2018, DEC filed a motion for a protective order pursuant to applicable Commission Regulations and the South Carolina Rules of Civil Procedure. Specifically, DEC is seeking 1) a protective order from certain discovery information sought by the DBA in its First Set of Interrogatories and its First Request for Production, 2) an extension of time so that the Company can more fully evaluate the Discovery Requests and respond to those to which it does not object, and 3) toll the deadline for the Company to respond to the Discovery Requests until such time as the Commission has ruled on its Motion.

By email dated July 17, 2018, DEC expressed that it can provide responses to the Discovery Requests by July 27, 2018, that will be comprehensive as to the things that DEC 1) does not object to; or 2) have limited objections to. In response to this communication, the SBA stated by email that 1) it consents to receiving DEC's Discovery Responses on July 27, 2018; and 2) while SBA's response to the motion for a protective order by DEC would be due July 23, 2018, in lieu of that response SBA would reserve its rights to contest the Company's objections to its Discovery Requests and reserve its rights to make any objections to the Discovery Responses that are produced on July 27, 2018.

Accordingly, this Directive serves as a Protective Order in so far as additional time is hereby afforded to DEC to respond to the SBA's Discovery Requests until July 27, 2018. As a result of this arrangement and its consent for additional time, SBA will not file its response to the original motion for a protective order filed by DEC on July 11, and it will instead reserve its rights to contest the Company's objections to its Discovery Requests and

reserve its rights to make any objections to the Discovery Responses that are produced on July 27, 2018.

This Directive is intended to preserve the rights of both DEC and the SBA to both object and meaningfully respond to objection regarding the Discovery Requests. This extension of time and explicit retention of rights to object and respond are a result of a cooperative effort between the parties to facilitate an efficient discovery process, and in no way constitutes a waiver of either party's ability to conduct, object, and respond to the forthcoming Discovery Responses.